

REMARKS/ARGUMENTS

Claims 10, 12-20, 22 and 24-34 are active in this application. Support for the amendments to Claims 10 and 22 is found in Claims 11 and 23, respectively. Support for Claims 25-34 is found in Claims 10-24 and the specification as originally filed. No new matter is added by these amendments.

Applicants thank the Examiner for acknowledging and considering the Information Disclosure Statement submitted on April 30, 2002. However, Applicants also filed an Information Disclosure Statement on March 25, 2002 but have not received a returned signed and initialed copy of the PTO form 1449. Therefore, Applicants request a copy of this PTO form 1449 in the next correspondence from the Office. For reference a copy of the Information Disclosure Statement referred to above is attached.

The rejection of Claims 10, 12-20, 22 and 24 under 35 U.S.C. § 102(b) over Kellen et al. (U.S. 4,737,559) is respectfully traversed.

Claims 10 and 22 have been amended to incorporate the limitation of Claims 11 and 23 which define the substrate as a refrigerated substrate. As duly noted by the Examiner, Kellen et al. does not describe bonding a polymer coated carrier to a refrigerated substrate as claimed. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 10-24 under 35 U.S.C. § 103(a) over JP 06158006 or JP 03237181 with Kellen et al. is respectfully traversed.

The adhesives in the two Japanese publications and Kellen et al. are not so similar that substitution would have been envisioned, particularly since the Japanese publications are concerned with adhesives for refrigerated substrates whereas Kellen et al. is concerned with skin adhesives. On this basis alone, the rejection should be withdrawn.

Furthermore, even assuming, *arguendo*, that one would have substituted the adhesives from the Japanese publications into the Kellen et al. disclosure there is no suggestion in the combination of cited publications that the polymers employed in the claimed process would have improved performance.

The improved performance of the polymers employed in the claimed process is demonstrated in the example section of the present application found on pages 7-8. In this example, the polymer according to the present invention (acrylic polymer composed of 91% by weight ethylhexyl acrylate and 9% by weight hydroxyethyl acrylate) compared to an acrylic polymer (100% by weight of ethylhexyl acrylate) (see lines 35-40 of page 7 of the application). It is further noted that this ethylhexyl acrylate employed in the comparative example is similar to the adhesive described in JP 03237181 (“2-ethylhexyl acrylate”).

As stated in the specification at pages 7-8, the polymer is prepared and then tested for bonding to a polyethylene plate measuring the force required for peeling. The results are presented in the table on page 8. These data demonstrate that the P1 polymers (used in the claimed process) relative to the comparative composition (i.e., adhesives of the Japanese publication) performed better at the different temperatures tested.

In view of the foregoing, the pending claims would not have been obvious in view of the combination of JP 06158006 or JP 03237181 in view of Kellen et al. Withdrawal of this ground of rejection is requested.

The rejection of Claims 10-24 under 35 U.S.C. § 112, second paragraph, is addressed by amendment. In particular, Applicants thank the Examiner for the helpful suggestions provided on page 3 of the Official Action. Accordingly, withdrawal of this ground of rejection is requested.

Application No. 10/088,900
Reply to Office Action of March 8, 2004

Applicants further request allowance of this application. Early notice of such allowance is also requested.

Respectfully submitted,

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